IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.996 OF 2001

Mirza Jahid Hussain Mirza Hasan .. Appellants
Baig and Another

versus

Mirza Shaid Hussain Baig & Ors. .. Respondents

...

Mr. Niranjan P. Pandit i/b. Hemant Sethi for appellants
None present for respondents.

CORAM : D.G. KARNIK, J

DATED :6th October, 2006

P.C.:

1. Heard learned counsel for the appellants. None present for the respondents when called.

2. This appeal is directed against an order of injunction dated 12th October, 2001 passed by the learned judge of the city civil court on Notice of Motion No.931 of 1998.

3. On 5th December, 2001, while admitting the appeal this Court granted stay for the order of injunction. The stay is in force till today. Thus, from 5th December, 2001 till today there is no order of injunction operating against the appellants.

4. Learned counsel for the appellants states that the entire suit has become ready for hearing. Issues have been framed on 12th June, 2006 and the suit is listed on 17th October, 2006 for filing of the affidavit of evidence and documents by the plaintiffs. Counsel for the appellant submits that in view of the fact that the suit is ready for hearing and the interim order of stay granted by this Court on 5th December, 2001 is in force for nearly five years and taking into consideration that the respondents, in whose favour the order was passed initially are absent when called, the appeal may be disposed of by directing the interim order passed by this Court, to continue till the decision of the suit. Submissions of the learned counsel is accepted.

5. Hearing of the suit is expedited. The trial court is directed to decide the suit as expeditiously as possible and in any event within a period of one year. In the interegnum the ad interim order of stay passed by this Court on 5th December, 2001 shall continue to operate.

6. Appeal is disposed of in aforesaid terms.

(D.G. KARNIK, J)